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## NOTICE OF ALLOWANCE AND FEE(S) DUE

81331 7590 01/08/2010

Accenture/Finnegan, Henderson,  
Farabow, Garrett & Dunner, LLP  
901 New York Avenue  
Washington, DC 20001-4413

EXAMINER

ROBERTSON, DAVID

ART UNIT

PAPER NUMBER

2121

DATE MAILED: 01/08/2010

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/444,889

11/22/1999

MICHAEL G. MIKURAK

10761.0213-00000

9216

TITLE OF INVENTION: SCHEDULING AND PLANNING MAINTENANCE AND SERVICE IN A NETWORK-BASED SUPPLY CHAIN ENVIRONMENT

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1510	\$0	\$0	\$1510	04/08/2010

**THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.**

**THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.**

### HOW TO REPLY TO THIS NOTICE:

#### I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

**IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.**

# **PART B - FEE(S) TRANSMITTAL**

**Complete and send this form, together with applicable fee(s), to: Mail Mail Stop ISSUE FEE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
or Fax (571)-273-2885**

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

81331 7590 01/08/2010

Accenture/Finnegan, Henderson,  
Farabow, Garrett & Dunner, LLP  
901 New York Avenue  
Washington, DC 20001-4413

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

## **Certificate of Mailing or Transmission**

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/444,889 11/22/1999 MICHAEL G. MIKURAK 10761.0213-00000 9216

TITLE OF INVENTION: SCHEDULING AND PLANNING MAINTENANCE AND SERVICE IN A NETWORK-BASED SUPPLY CHAIN ENVIRONMENT

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
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nonprovisional NO \$1510 \$0 \$0 \$1510 04/08/2010

EXAMINER	ART UNIT	CLASS-SUBCLASS
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ROBERTSON, DAVID 2121 705-008000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
- ☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. **Use of a Customer Number is required.**

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, 1 \_\_\_\_\_
- (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed. 2 \_\_\_\_\_
- 3 \_\_\_\_\_

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE (B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent) : ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☐ Issue Fee
- ☐ Publication Fee (No small entity discount permitted)
- ☐ Advance Order - # of Copies \_\_\_\_\_

4b. Payment of Fee(s); (Please first reapply any previously paid issue fee shown above)

- ☐ A check is enclosed.
- ☐ Payment by credit card. Form PTO-2038 is attached.
- ☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number \_\_\_\_\_ (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature \_\_\_\_\_

Date \_\_\_\_\_

Typed or printed name \_\_\_\_\_

Registration No. \_\_\_\_\_

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/444,889	11/22/1999	MICHAEL G. MIKURAK	10761.0213-00000	9216
81331	7590	01/08/2010	EXAMINER	
Accenture/Finnegan, Henderson, Farabow, Garrett & Dunner, LLP 901 New York Avenue Washington, DC 20001-4413			ROBERTSON, DAVID	
			ART UNIT	PAPER NUMBER
			2121	
DATE MAILED: 01/08/2010				

## Determination of Patent Term Extension under 35 U.S.C. 154 (b)

(application filed after June 7, 1995 but prior to May 29, 2000)

The Patent Term Extension is 0 day(s). Any patent to issue from the above-identified application will include an indication of the 0 day extension on the front page.

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Extension is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/444,889	MIKURAK, MICHAEL G.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Dave Robertson	2121	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to RCE with IDS filed 12/16/2009.
2. ☒ The allowed claim(s) is/are 18,22,28 and 32-61.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
  - \* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

**Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |  |  |
|--|--|
| <ol style="list-style-type: none"> <li>1. <input type="checkbox"/> Notice of References Cited (PTO-892)</li> <li>2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)</li> <li>3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br/>Paper No./Mail Date <u>12/16/2009</u></li> <li>4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material</li> </ol> | <ol style="list-style-type: none"> <li>5. <input type="checkbox"/> Notice of Informal Patent Application</li> <li>6. <input type="checkbox"/> Interview Summary (PTO-413),<br/>Paper No./Mail Date _____.</li> <li>7. <input type="checkbox"/> Examiner's Amendment/Comment</li> <li>8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance</li> <li>9. <input type="checkbox"/> Other _____.</li> </ol> |
|--|--|

/D. R./  
Examiner, Art Unit 2121

/Albert DeCady/  
Supervisory Patent Examiner, Art Unit 2121

### **DETAILED ACTION**

1. This is an Allowance of all claims pending after the filing of a Request for Continued Examination for consideration of references submitted by the Information Disclosure Statement (IDS) filed 12/16/2009. Claims 18, 22, 28, and 32-61 were allowed after entry of the Examiners Amendment made in the Notice of Allowance mailed 6/10/2009. Claims 18, 22, 28, and 32-61 are allowed herein.

#### ***Continued Examination Under 37 CFR 1.114***

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after allowance or after an Office action under *Ex Parte Quayle*, 25 USPQ 74, 453 O.G. 213 (Comm'r Pat. 1935). Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on 12/16/2009 has been entered.

#### ***Information Disclosure Statement***

3. The information disclosure statement (IDS) submitted on 12/16/2009 with the filing of the RCE has been considered by the examiner. Examiner has noted on the PTO/SB/08 those references which have not been considered, corresponding to the foreign and PCT references indicated as "Reference Not Found" on the accompanying IDS transmittal letter. Examiner notes that PTO/SB/08/Cite Nos. 55 and 73 (USPTO

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Office Actions of related cases) indicated as "Missing pages..." on the accompanying letter have been considered in their entirety as the Examiner has ready access to such documents.

All claims pending remain allowable over the prior art of record. Claims 18, 22, 28, and 32-61 are allowed.

### ***Reasons for Allowance***

4. The following is a statement of the examiners reasons for allowance:

The closest prior art Huang et al. (US Pat. No. 6,151,582) does not expressly teach or fairly suggest in view of the prior art of record the combination of functional acts and elements of the invention(s) as claimed for *coordinating, planning, monitoring, scheduling, transmitting, and tracking* of offerings, notices, and scheduling of recommended maintenance offerings in a supply-chain environment. Specifically, Huang et al. does not teach: *managing a plurality of notices for recommended maintenance and service received from a plurality of manufacturers, and a plurality of requests for maintenance and service received from the plurality of service providers and tracking the plurality of notices for recommended maintenance and service, the plurality of requests for maintenance and service, the managed schedule, and the progress of completing scheduled maintenance and service through a network tracking interface accessible within an e-commerce supply chain environment* as particularly recited in independent claims 38, 44, and 50.

Applicant's arguments filed 5/8/2009 with respect to rejections made over Huang et al. (US Pat. No. 6,151,582) in view of Melby et al. (US Pat. No. 6,952,680) are persuasive with respect to establishing priority over Melby et al. Certain teachings of Melby et al. were relied upon in the Office Action of 3/16/2009 in response to amendments and arguments persuasively made in response to previous rejections over Sekizawa (U.S. 6,430,711) in view of Peterson et al. (U.S. 6,324,522). Applicant's Remarks filed 5/8/2009 (pages 16-18) are persuasive with respect to priority over Melby et al., a continuation-in-part (CIP) patent application filed Oct. 31, 2000 claiming priority to U.S. Provisional Patent application 60/166,042 filed 11/17/1999. As the provisional application lacks disclosure and support of the particular features relied upon from the later filed CIP, Melby et al. is not prior art for the teachings relied upon and, therefore, Melby et al. cannot render obvious these features of the claimed invention not expressly taught by Huang.

Further consideration of Weber (US Pat. 6,167,378 -- submitted by IDS of 12/14/2004) finds teaching of an e-commerce "supply-chain" manager system providing means for manufacturers and suppliers to post general offerings of products and services over a global supply-chain network, including means for parties to the offerings to enter into digital contracts for the supply of products and services between business entities, the terms of the contracts which may include the scheduling of product orders and bank transfers. However, Weber does not teach or fairly suggest the combination of functional acts and elements of the invention(s) as claimed, for the *coordinating, planning, monitoring, scheduling, transmitting, and tracking* of offerings, notices, and

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scheduling of recommended maintenance in the supply-chain environment, including *managing a plurality of notices for recommended maintenance and service received from a plurality of manufacturers, and a plurality of requests for maintenance and service received from the plurality of service providers and tracking the plurality of notices for recommended maintenance and service, the plurality of requests for maintenance and service, the managed schedule, and the progress of completing scheduled maintenance and service through a network tracking interface accessible within an e-commerce supply chain environment* as particularly recited in independent claims 38, 44, and 50.

Further consideration of non-patent literature Roberto (1998, "An Expansive Proposition." Manufacturing Systems, vol. 16, no. 7, pages 25-106 -- submitted by IDS of 10/26/2007) finds teachings of state-of-the-art capabilities of various global supply-chain management systems, including systems for managing offerings of products and services in an e-commerce environment. However, while Roberto teaches a multitude of capabilities for coordinating, planning, monitoring, scheduling, notifying, and tracking various activities occurring within a global manufacturing supply-chain environment, Robert does not expressly teach or fairly suggest the combination of functional acts and elements of the invention(s) as claimed for *coordinating, planning, monitoring, scheduling, transmitting, and tracking* of offerings, notices, and scheduling of *recommended maintenance* in the supply-chain environment, including *managing a plurality of notices for recommended maintenance and service received from a plurality of manufacturers, and a plurality of requests for maintenance and service received from*

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*the plurality of service providers and tracking the plurality of notices for recommended maintenance and service, the plurality of requests for maintenance and service, the managed schedule, and the progress of completing scheduled maintenance and service through a network tracking interface accessible within an e-commerce supply chain environment* as particularly recited in independent claims 38, 44, and 50.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dave Robertson whose telephone number is (571)272-8220. The examiner can normally be reached on 8 am to 6 pm, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Albert Decady can be reached on (571) 272-3819. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Albert DeCady/  
Supervisory Patent Examiner, Art  
Unit 2121

/Dave Robertson/  
Examiner, Art Unit 2121